I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: July 16, 2010

Electronic Signature for David R. Burns: /David R. Burns/

Docket No.: 118156-00602
(ENB-006RCE2)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Brian Stanley Locke *et al.*

Application No.: 10/717,838 Confirmation No.: 8559

Filed: November 20, 2003 Art Unit: 2179

For: METHOD AND APPARATUS FOR NAVIGATING THROUGH A TASK ON A COMPUTER Examiner: E. A. Wiener

Mail Stop Amendment
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.131

I, Ann C. Bonis, declare that:

1. I am empowered to act on behalf of the assignee, namely Enterasys Networks, Inc., a corporation of Delaware, which I believe to be assignee of the entire right, title and interest in the present U.S. Patent Application No. 10/717,838 (the "Application") at least by virtue of the assignment recorded at Reel 015388, Frame 0477, and I am authorized to present this Declaration Under 37 C.F.R. § 1.131 (the "Declaration").

2. I am familiar with the Application and the Response to Non-Final Office Action Mailed June 23, 2009, to which this Declaration is being made a part.

3. Upon information and belief, the claimed subject-matter of the Application was conceived, reduced to practice and operated for it intended purpose ***prior to April 24, 2002.*** More specifically, upon information and belief, Enterasys Networks, Inc. had sold and was commercializing software embodying the claimed invention ***prior to April 24, 2002.***

4. Attached hereto as Exhibit A is an Invention Disclosure Form, including the following: two (2) pages from a Concurrent Versions System (CVS) source code log; nine (9) screen shots; and a four (4) page narrative body. Upon information and belief, the Invention Disclosure Form was executed by all seven (7) co-inventors and a manager in July 2002 and the screen shots were

printed contemporaneously therewith. The body of the Invention Disclosure Form asks for the first date of sale and other information at questions 7(a), 7(b), 7(c), 7(e), and 7(f), and, each of these dates, which have been redacted, is ***prior to April 24, 2002***. Also, the CVS Log includes six redacted dates corresponding to Revisions 1.1, 1.2, 1.3, 1.4, 1.5, and 1.6, all of which are ***prior to April 24, 2002***.

5. Upon information and belief, CVS is used by Enterasys Networks, Inc. for the purpose of logging a "master" copy of source code and maintaining the most current version thereof. Upon information and belief, accurate electronic date-time stamping is of the essence, and CVS is of particular use when multiple persons are working together on multiple instances of the source code around the same time.

6. Upon information and belief, at least one of the source code versions 1.1 - 1.6 that was "checked into" the CVS log ***prior to April 24, 2002***, embodied the subject-matter of at least independent Claims 1, 11, 21, and 22.

7. Exemplary reference is made to the "screen shots" of the Invention Disclosure Form. Upon information and belief, the nine (9) screen shots of the Invention Disclosure Form formed the basis of Figures 2 and 4-11 of the present application, as such can be seen from a side-by-side study of each one of nine screen shots of the Invention Disclosure Form to Figures 4-6, 2, and 7-11 (respectively) of the present application.

8. Additional exemplary reference is made to the "body" of the Invention Disclosure Form. For example, Paragraph 3 discusses the ability of the invention *to use the wizard in a non-linear manner and the ability to program a tree structure into a wizard.* Paragraph 5 highlights how the invention was thought to be different from the then-current-state-of-the-art, noting that the task-lists of the prior art did not change programmatically or provide summary information. Moreover, Paragraph 4 discusses how the invention can be uses non-linearly, while providing summary information, such that the user need not back through the wizard panels. As therein noted, tasks in a task path can be skipped if default values are available and recommended.

9. I declare further that statements made in this Declaration are of my own knowledge and are true that all statements made on information and belief are believed to be true and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: December 22, 2009

Ann C. Bonis
Ann C. Bonis, Vice President & Secretary

EXHIBIT A
Application No. 10/717,838
Sheet 1 of 16

CVS log for aclmgr/com/enterasys/netsight/aclmgr/app/popup

Up to [root] / aclmgr / com / enterasys / netsight / aclmgr / app / popupviews / packettool

Request diff between arbitrary revisions

Default branch: 1

Revision 1.6 / (download) - annotate - [select for diffs] , *Wed Apr 3 19:23:55 2002 UTC* (3 months, 2 weeks ago) by *playdon*
CVS Tags: **HEAD**
Changes since **1.5: +35 -175 lines**
Diff to previous 1.5

```
This modifies the PacketTool to use the NSWizard and fixes namqa000145
```

Revision 1.5 / (download) - annotate - [select for diffs] , *Wed Jan 9 20:53:24 2002 UTC* (6 months, 1 week ago) by *kwhite*
CVS Tags: **release-1-1-rev-0, release-1-1-0-11, release-1-1, release-1-0-rev-3**
Changes since **1.4: +19 -1 lines**
Diff to previous 1.4

```
add help functionality with proper help ids for respective stages
```

Revision 1.4 / (download) - annotate - [select for diffs] , *Fri Dec 7 16:05:33 2001 UTC* (7 months, 2 weeks ago) by *playdon*
CVS Tags: **beta_2**
Changes since **1.3: +2 -2 lines**
Diff to previous 1.3

```
Modify Title of view.
```

Revision 1.3 / (download) - annotate - [select for diffs] , *Thu Dec 6 12:58:30 2001 UTC* (7 months, 2 weeks ago) by *playdon*
Changes since **1.2: +1 -1 lines**
Diff to previous 1.2

```
The create packet panel needed to initialize the data for the current packet
each time it was selected.
```

Revision 1.2 / (download) - annotate - [select for diffs] , *Wed Dec 5 14:38:23 2001 UTC* (7 months, 2

EXHIBIT A
Application No. 10/717,838
Sheet 2 of 16

weeks ago) by *playdon*
Changes since **1.1: +0 -4 lines**
Diff to previous 1.1

```
Fixed minor problems with view initializing correctly when launched from an
ACL or device
```

Revision **1.1** / **(download)** - annotate - [select for diffs] , *Wed Dec 5 13:59:14 2001 UTC* (7 months, 2 weeks ago) by *playdon*
Diff

```
Adding initial packettool files
```

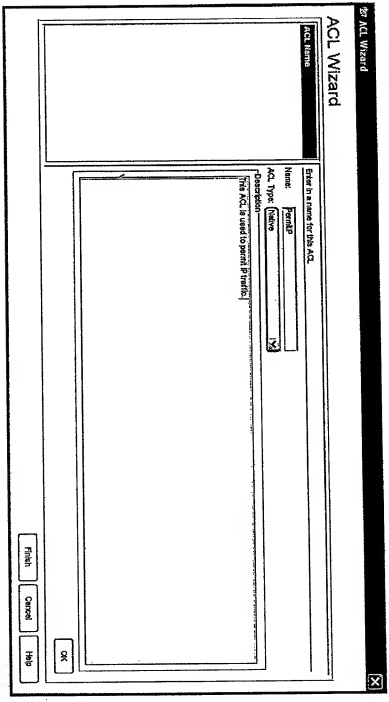
This form allows you to request diff's between any two revisions of a file. You may select a symbolic revision name using the selection box or you may type in a numeric name using the type-in text box.

Diffs between [Use Text Field] [1.1] and [Use Text Field] [1.6]
Type of Diff should be a [Colored Diff] [Get Diffs]

View only Branch: [Show all branches] [View Branch]

Sort log by: [Commit date] [Sort]

CVSweb by <zeller@think.de>

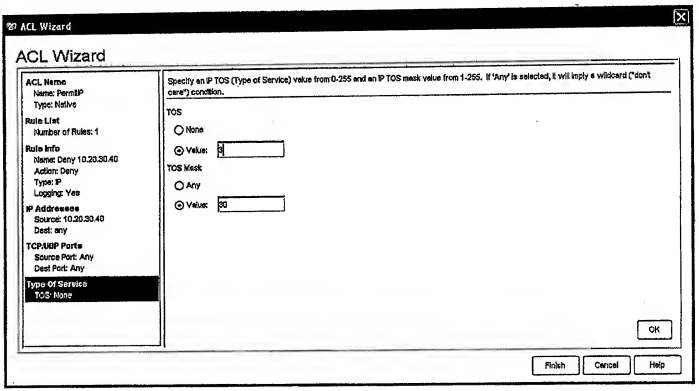

ACL Wizard
ACL Wizard
ACL Name
Enter in a name for this ACL
Name:
PermIP
ACL Type:
Native
Description
This ACL is used to permit IP traffic
OK
Finish
Cancel
Help

ACL Wizard
ACL Wizard
ACL Name
Name: PermIP
Type: NetVa
Rule List
Number of Rules: 0
Below are the rules for the current ACL
New
Edit
Add Remote
Index
Name
Type
Source Address
Destination Address
Src Port
Dest Port
TOS
Finish
Cancel
Help

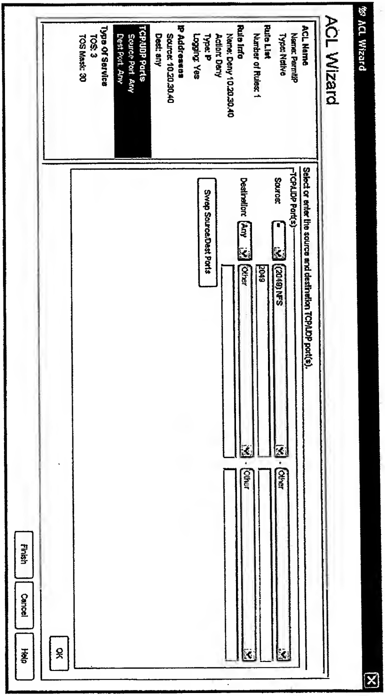
ACL Wizard
ACL Wizard
ACL Name
Name: Deny
Type: Inbound
Rule List
Number of Rules: 0
Rule Info
Name: Rule1
Action: Permit
Type: IP
Logging: No
Type in a name for this ACL rule, select whether it will permit or deny traffic, and select the type of ACL rule to create.
Name: Deny 10.20.30.40
Action: Deny
Type: IP
Enable Logging
Description
Deny's traffic from 10.20.30.40
OK
Finish
Cancel
Help

ACL Wizard
ACL Wizard
ACL Items
Name: PermIP
Type: Native
Rule List
Number of Rules: 1
Rule Info
Name: Deny 10.20.30.40
Action: Deny
Type: IP
Logging: Yes
IP Attributes
Source: 10.20.30.40
Dest: any
TCP/UDP Ports
Source Port: Any
Dest Port: Any
Type Of Service
TOS: None
Specify the source and destination addresses and filtering mask for this Rule. If 'Any' is selected, it will imply a wildcard ('don't care') condition.
Source Address
Any
Value:
10.20.30.40
/
Destination Address
Any
Value:
/
OK
Finish
Cancel
Help

ACL Wizard
ACL Wizard
ACL Name
Name: PermIP
Type: Native
Rule List
Number of Rules: 1
Rule Info
Name: Deny 10.20.30.40
Action: Deny
Logging: Yes
IP Addresses
Source: 10.20.30.40
Dest: any
TCP/UDP Ports
Source Port: Any
Dest Port: Any
Type Of Service
TOS: None
Select or enter the source and destination TCP/UDP port(s).
TCP/UDP Port(s)
Source:
Any
Other
Destination:
Any
Other
Snmp
SMTP
Snmp Source/Dest Ports
OK
Finish
Cancel
Help


ACL Wizard
ACL Wizard
ACL Name
Name: PermIP
Type: Native
Rule List
Number of Rules: 1
Rule Info
Name: Deny 10.20.30.40
Action: Deny
Type: IP
Logging: Yes
IP Addresses
Source: 10.20.30.40
Dest: any
TCP/UDP Ports
Source Port: Any
Dest Port: Any
Type Of Service
TOS: None
Specify an IP TOS (Type of Service) value from 0-255 and an IP TOS mask value from 1-255. If 'Any' is selected, it will imply a wildcard ("don't care") condition.
TOS
None
Value: 0
TOS Mask
Any
Value: 30
OK
Finish
Cancel
Help

SP ACL Wizard
ACL Wizard
ACL Name
Name: PermIP
Type: Native
Rules List
Number of Rules: 1
Rule Info
Name: Deny 10.20.30.40
Action: Deny
Type: IP
Log: Disabled Yes
IP Addresses
Source: 10.20.30.40
Dest: any
TCP/UDP Ports
Source Port: Any
Dest Port: Any
Type Of Service
TOS: 3
TOS Mask: 30
Below are the rules for the current ACL
New
Edit
Auto Renumber
Protocol
Name
Deny 10.20.30.40
IP
Type
Source Address
10.20.30.40
any
Destination Address
any
Src Port
any
Dest Port
any
TOS
3
Finish
Cancel
Help


ACL Wizard
ACL Wizard
ACL Name
Name: PermitIP
Type: Native
Rule List
Number of Rules: 1
Rule Info
Name: Deny 10.20.30.40
Action: Deny
Type: IP
Logging: Yes
IP Addresses
Source: 10.20.30.40
Dest: any
TCP/UDP Ports
Source Port: Any
Dest Port: Any
Type Of Service
TOS: 3
TOS Mask: 30
Select or enter the source and destination TCP/UDP port(s).
TCP/UDP Port(s)
Source:
(2049) NFS
2049
Other
Destination:
Any
Other
Other
Swap Source/Dest Ports
OK
Finish
Cancel
Help

ACL Wizard
ACL Wizard
ACL Name
Rule Name
Type: Native
Rules List
Number of Rules: 1
Rule Info
Name: Deny 10.20.30.40
Action: Deny
Type: IP
Logging: Yes
IP Address Info
Address: 10.20.30.40
Dest: any
TCP/UDP Ports
Source Port: (2049) NFS
Dest Port: Any
Types Of Service
TOS: 3
TOS Mask: 30
Below are the rules for the current ACL
New
Edit
Auto Rename
Index
Name
Type
Source Address
Inv
Destination Address
Inv
Src Port
Inv
Dest Port
TOS
1
Deny 10.20.30.40
IP
10.20.30.40
any
NFS
Finish
Cancel
Help

ORIGINAL

Invention Title _____
File No. ENT-032
Date _____

ENTERASYS NETWORKS™

INVENTION DISCLOSURE FORM

The purpose of this form is to assist inventor(s) in the preparation of an invention disclosure. The object is to minimize the amount of time that the inventor(s) must spend in processing a patent application without minimizing the importance and scope of the invention. The questions are designed to elicit enough information about the invention (e.g., the perceived novel features, what problem(s) it solves, why it is better or different from known existing technology, etc.) to assist the Intellectual Property Review Council (IPRC) make an informed decision about protection of the described invention.

If you have any questions regarding this form or the patent application process, please contact the Patent Counsel, Chris A. Caseiro, at (603) 337-1754 or ccaseiro@enterasys.com.

The following information is submitted to the IPRC as the basis for a preliminary patentability investigation and, should the IPRC approve the disclosure for protection, it will be used by our outside patent lawyers in preparation of a patent application for filing in the United States Patent Office and, in some instances, in other countries:

1. Title of Invention: Non-linear Summary Wizard Graphical User Interface (NSWizard GUI)

2. Provide a summary of the invention: The NSWizard is a graphical user interface, or GUI, that can be used to guide software users through a complex series of tasks. The GUI has three components, a selectable task list, a panel display, and control buttons. The task list displays the tasks that the user has already performed, and the next task that must be performed. Each task in the list has a panel associated with it. Each panel is used to explain the task and to receive input from the user. When a task has been completed, a summary of the choices that were made in the panel is added to the task list item for the panel. Then the next task panel is displayed in the panel display. The task list is not only descriptive, but active in the sense that any task item can be selected. When a task item is selected in the list, its panel is shown in the panel display. The control buttons are used to control the view, typically these buttons include "Finish," "Cancel," and "Help."

3. Describe what you believe to be the point of novelty of the invention: The point of novelty of the invention is the combination of four features into a single wizard GUI: the selectable task list; the summary information in the task list; the ability to use the wizard in a non-linear manner; and the ability to program a tree structure into a wizard.

4. Describe the problem(s) solved by the invention: The selectable task list allows the NSWizard to be used in a random-access, or non-linear, manner, allowing users to change settings in the NSWizard more rapidly than can be done in a traditional wizard. In addition, the task list provides a summary for users as they progress through the wizard; consequently, they do not have to back through the wizard panels to see the choices that they have made. Tasks in a task path can be skipped if default values are available and recommended, speeding navigation through the wizard.

Invention Title _____
File No. _____
Date _____

However, the users can see that the task has been skipped; see the default recommended changes; and easily make changes via the selectable task list.

5. To the best of your present knowledge, describe the current state of the art and how your invention is different. This does not require you to conduct an independent review or search of the field of your invention. Instead, please rely on your present knowledge: Wizards are ubiquitous in software. In its most basic form, a wizard consists of a panel display and control buttons. These basic wizards guide users through tasks in a linear manner. Some linear wizards have task lists, but they are not active and do not provide summary information. More advance wizards have active task lists, in the form of hyperlinks that allow non-linear navigation; however, the task-lists do not change programmatically, and do not provide summary information.

6. Attach to this Disclosure any relevant notes, sketches, drawings, schematics, photographs, test results, test reports, presentations that describe the invention: Attached are nine screen shots demonstrating the features and use of an NSWizard.

7. Identify whether the invention has been:
   (a) Incorporated in any tests or experiments? Yes
   If Yes, approximate date of first incorporation: 12/5/2001
   (b) Offered for sale? Yes
   If Yes, date of first offer for sale: 3/6/2002
   (c) Sold? Yes
   If Yes, date of first sale: 3/6/2002
   (d) Described in printed publication? No
   (e) Used other than at an Enterasys facility? Yes
   If Yes, where first used externally: University of Paris 10
   If used externally, date and purpose of such first external use: 12/14/2001 for Beta Test
   (f) Was the invention developed in whole or in part under a government contract? No

8. Is this invention embodied in a product presently being made? Yes
   If Yes, date of first fabrication: 12/5/2001

9. Will a product embodying this invention be made, sold, or offered for sale in the future? Yes
   If Yes, approximate dates of planned first fabrication, first offer for sale, and first sale: 12/5/2001, 3/6/2002, 3/6/2002

10. Was the invention conceived of or developed as part of a joint project with another person or persons not employed by Enterasys? No

11. Was the invention disclosed to anyone else not employed by Enterasys? Yes
    If Yes, identify party to whom the invention was disclosed: University of Paris 10
    If Yes, was the disclosure made under a Non-Disclosure Agreement (NDA)? Yes
    If No NDA, identify the date(s) and location(s) of the disclosure:

12. Please identify any prior public documents or products of which you are aware that may be relevant to the novelty of your invention. (Please note that you are not required to seek such information, simply describe the information of which you are aware.): Turbo Tax, Quicken, H&R Block tax

Invention Title _____
File No. _____
Date _____

software, wizards created by Install Anywhere, wizards in the NetSight Software, Sun OS Install wizard, Microsoft Install wizard.

13. Date you first thought of the invention: 11/19/2001

14. Do you have any documentation establishing when you first thought of the invention? The source code for the prototype was first put into source control on 12/5/2002. See the attached print out from the source control.

First Named Inventor:
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Manager's name: Paula Dunigan

Brian Stanley Locke 7/22/2002
(Signature) (Date)

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Manager's name: Paula Dunigan

Ronald S. Fitzpatrick 7/23/2002
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Manager's name: Paula Dunigan

Paul Playdon 7/22/2002
(Signature) (Date)

Invention Title _____
File No. _____
Date _____

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David Brousseau 7/22/2002
(Signature) (Date)

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Kevin A White 7/22/2002
(Signature) (Date)

Sixth Named Inventor:
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Manager's name: Michael Butterfield

Kiet Tran 22 July 2002
(Signature) (Date)

Seventh Named Inventor:
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Telephone extension and Building: 7-3721 35E
Manager's name: Michael Butterfield

Gail M Breck 22 July 2002
(Signature) (Date)

Invention Title _____
File No. _____
Date _____

FOR INVENTOR'S MANAGER

Disclosure Read and Approved √ Disapproved ____ for Submission to IPRC:

Manager's Name: Paula Dunigan
Telephone extension and Building: 7-3741, 35E

(Signature) 7/23/02 (Date)

FOR RESPONSIBLE IPRC MEMBER

Disclosure Read and Approved ____ Disapproved ____ for Submission to IPRC:

Responsible Member's Name:
Telephone extension and Building:

_____ _____
(Signature) (Date)